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January 18, 2011

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

228 637

RE: Finance Docket No. 35460, *CSX Transportation, Inc.—Temporary Trackage
Rights—Norfolk Southern Railway Company*

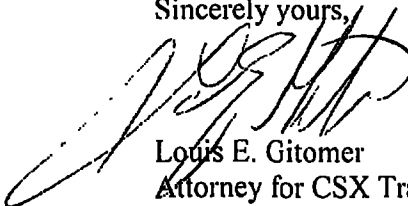
EXPEDITED HANDLING REQUESTED

Dear Ms. Brown:

Enclosed for efilng is an Amendment to the Petition for Waiver that was filed on January 14, 2011, because the unit coal train scheduled to move on January 16, 2001 did not move on that date and has been rescheduled to move on January 18, 2011.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Louis E. Gitomer
Attorney for CSX Transportation, Inc.

Enclosure

**ENTERED
Office of Proceedings**

JAN 18 2011

**Part of
Public Record**

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35460

CSX TRANSPORTATION, INC.
—TEMPORARY TRACKAGE RIGHTS—
NORFOLK SOUTHERN RAILWAY COMPANY

AMENDMENT TO PETITION FOR WAIVER
EXPEDITED HANDLING REQUESTED

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Attorneys for: CSX Transportation, Inc.

Dated: January 18, 2011

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35460

CSX TRANSPORTATION, INC.
—TEMPORARY TRACKAGE RIGHTS—
NORFOLK SOUTHERN RAILWAY COMPANY

AMENDMENT TO PETITION FOR WAIVER

On January 14, 2011, CSX Transportation, Inc. ("CSXT") filed a Verified Notice of Exemption with the Surface Transportation Board (the "Board") seeking temporary trackage rights over the Norfolk Southern Railway Company ("NSR") generally between CSXT's connection to NSR's tracks at Deepwater, WV, Milepost V434.1 located on the Vaco Branch via Alloy, WV east to the connection with the Vaughn Railroad Company (the "Vaughn Railroad") at Milepost WV227.6, including all necessary tracks designed for the purposes of movement by NSR's operating officer, including head and tail room as necessary, (the "NSR Line"), a total distance of approximately 12.3 miles. Concurrently, CSXT filed a Petition for Waiver (the "Petition") requesting the Board to waive the requirement that "[t]o qualify for an exemption under §1180.2(d), a railroad must file a verified notice of the transaction with the Board at least 30 days before the transaction is consummated indicating the proposed consummation date." 49 C.F.R. §1180.4(g)(1). CSXT sought the waiver so that operations under the temporary trackage rights could commence no later than January 16, 2011 because a loaded unit coal train was scheduled to move on January 16, 2011.

The loaded unit coal train did not move on January 16. Instead, an empty unit train set was moved into the Fola Coal Mine at Bickmore, WV midday on January 17, 2011. The train is being loaded with coal and is scheduled for movement late in the day on January 18, 2011. Because of this change in plans, CSXT is hereby amending the Petition.

CSXT respectfully requests the Board to waive the 30-day period for a notice of exemption for temporary trackage rights to become effective and to make it effective as of 3:00 pm on January 18, 2011 so that CSXT can move the loaded unit coal train from the Fola Coal Mine to the domestic users who rely on the coal.

As explained in the Petition, the Detour Agreement with NSR has expired and the Gauley Creek Bridge at milepost CAY 0.3 over the New River remains out of service because of severe structural damage. CSXT cannot serve the Fola Coal Mine over its own lines without using the Gauley Creek Bridge. CSXT must use the NSR Line to serve the Fola Coal Mine. To meet the needs of its shipper, the Fola Coal Mine, CSXT is seeking the waiver of the time period before temporary trackage rights become effective.

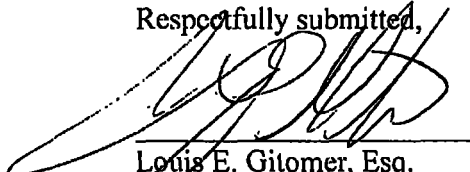
The Board has granted a similar waiver where it stated that "Making the exemption effective on the service date of this decision will help CSXT provide more effective service immediately...." *CSX Transportation, Inc.-Temporary Trackage Rights Exemption-Alabama Great Southern Railroad Company*, STB Finance Docket No. 34762 (served September 23, 2005).

CSXT contends that it has demonstrated good cause for the waiver it seeks. In order to provide timely service and move a loaded unit coal train from the Fola Coal Mine on January 18, 2011, CSXT respectfully requests the Board expeditiously waive the 30 day advance notice

requirement of 49 C.F.R. § 1180.4(g)(1), and permit CSXT to begin operations under the overhead temporary trackage rights with NSR no later than 3:00 pm on January 18, 2011.

Respectfully submitted,

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